IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Tr.P(C).No. 300 of 2006()

OP.DIV.718/2006 of FAMILY COURT, KOTTAYAM

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PETITIONER/RESPONDENT

JIJI K.MATHEW, W/O.MATHEW JACOB,
AGED 33 YEARS, KALARICKAL HOUSE,
PANNIYAMKARA P.O. CHEMMANAMKUNNU P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.BIJU ABRAHAM

RESPONDENTS: PETITIONER

MATHEW JACOB ALIAS ROY,
S/O.E.V.JACOB, AGED 40 YEARS,
ERAYIL HOUSE, KOORUPADA P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.SIBY CHENAPADI
SRI.SUJITH MATHEW JOSE

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO. 3430/06 IN Tr.P.C.300/06

DISMISSED

15/12/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

Tr.P.(C) .NO.300 OF 2006

Dated 15th December 2006

O R D E R

Petitioner is the wife. Respondent is the husband. Respondent filed O.P.(Divorce) No.718/06 before Family court, Kottayam. This petition is filed to transfer that case to Family court, Palakkad. Case of petitioner was that her father is no more and she is having a nine months old child and there is nobody else to help her and it is not possible for her to travel to Kottayam to contest the case and therefore case may be transferred to Palakkad. Learned counsel appearing for respondent argued that the grounds alleged are insufficient to transfer the case and petitioner has suppressed the fact that she has a able bodied brother and an uncle to help her. It was also argued that witnesses to be examined by respondent are from Kottayam and if the case is to be transferred to Palakkad, it would cause difficulties to the witnesses and therefore case may not be transferred. Finally it was argued by the

learned counsel appearing for respondent that cause of action for filing the divorce petition arose only within the jurisdiction of Family court, Kottayam and not within Family court, Palakkad and therefore case cannot be transferred to Family court, Palakkad.

2. On hearing petitioner and respondent I find that preference is given to the difficulties expressed by the wife. When father of the wife is no more and she is having a nine months old child and the wife submits that it is not possible for her to travel to Kottayam to contest the case, the difficulties expressed by the respondent would definitely outweigh the difficulties expressed by the wife. Even if no part of the cause of action has arisen within the jurisdiction of Family court, Kottayam that will not prohibit this court to withdraw the case and from transferring the case to Family court, Palakkad.

3. In such circumstance, petition is allowed. O.P.(Divorce) No.718/06 is withdrawn from Family court, Kottayam and transferred to Family court, Palakkad for disposal in accordance with law.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.